

AMENDED IN ASSEMBLY JUNE 23, 2010

AMENDED IN SENATE JUNE 1, 2010

AMENDED IN SENATE MAY 5, 2010

AMENDED IN SENATE APRIL 20, 2010

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1193

Introduced by Senators Lowenthal and Pavley

February 18, 2010

~~An act to add Section 17074.31 to the Education Code, relating to~~
An act to amend Section 17078.72 of, and to add Section 17074.31 to,
the Education Code, relating to school facilities, and declaring the
urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1193, as amended, Lowenthal. School facilities funding: high performance schools.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act), requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding and supplemental funding for site development and acquisition and requires the board to adopt rules and regulations for the administration of the Greene Act. The Kindergarten-University Public Education Facilities Bond Act of 2006 sets aside \$100,000,000 of the proceeds of the bonds sold under that act for incentive grants under the Greene Act to promote the use of design and materials in new

construction and modernization projects that include the attributes of high-performance schools.

Existing law authorizes a grant for new construction to be used for the costs of design and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high performance schools. A school district is required to certify, as part of its application for funding under the Greene Act, that it has considered the feasibility of using these characteristics of high performance schools.

This bill would increase the amount of a modernization grant by \$250,000 per schoolsite if a school district incorporates the use of high performance design and materials, and if the project is able to achieve one of 3 2 specified objectives. This increase would be provided from the \$100,000,000 set aside for this purpose in the 2006 bond act. The bill would require the State Allocation Board to adopt, and the Office of Administrative Law to process, emergency regulations to implement the increases. *The bill would make a Career Technical Education Facilities Program project eligible for these grant increases, provided the project meets the criteria prescribed by these provisions.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17074.31 is added to the Education Code,
- 2 to read:
- 3 17074.31. (a) Notwithstanding Section 17074.10, if a school
- 4 district incorporates the use of the high performance design and
- 5 materials specified in Section 17070.96, the amount of the
- 6 modernization grant shall be increased by two hundred fifty
- 7 thousand dollars (\$250,000) per schoolsite if the project is able to
- 8 meet one of the following objectives:
- 9 (1) Score the requisite number of points to meet the high
- 10 performance criteria set forth in regulations, as determined by the
- 11 board and certified by the Division of the State Architect.

1 (2) Achieve Collaborative for High Performance Schools
2 “verified” status in accordance with the California Edition of the
3 Collaborative for High Performance Schools criteria.

4 ~~(3) Achieve certification status in accordance with the~~
5 ~~Leadership in Energy and Environmental Design for Schools.~~

6 (b) In addition to the funding authorized pursuant to subdivision
7 (a), the board shall provide funding for modernization projects
8 that exceed the criteria specified in subdivision (a).

9 (c) Within 14 calendar days of the operative date of this section,
10 the board shall adopt emergency regulations to administer this
11 section. The Office of Administrative Law shall process these
12 emergency regulations within 14 calendar days of their adoption.

13 (d) Pursuant to Section 17074.16, a school district shall be
14 required to provide matching funds for any funds received pursuant
15 to this section, *except for projects conducted pursuant to Section*
16 *17075.10.*

17 (e) Funds received by a school district pursuant to this section
18 do not constitute a modernization apportionment pursuant to this
19 article, and do not reduce modernization eligibility authorized by
20 Article 6 (commencing with Section 17073.10).

21 (f) The energy efficiency and renewable energy savings realized
22 from a project pursuant to this section, as calculated annually over
23 the useful life of the project, shall be retained by the school district.
24 The state funding shall not be reduced based on realized energy
25 efficiency and renewable energy savings.

26 (g) The increase in the amount of a modernization grant pursuant
27 to this section shall be provided from funds made available
28 pursuant to paragraph (8) of subdivision (a) of Section 101012.

29 *SEC. 2. Section 17078.72 of the Education Code is amended*
30 *to read:*

31 17078.72. (a) The Career Technical Education Facilities
32 Program is hereby established to provide funding to qualifying
33 local educational agencies for the purpose of constructing new
34 facilities or reconfiguring existing facilities, including, but not
35 limited to, purchasing equipment with an average useful life
36 expectancy of at least 10 years, to enhance educational
37 opportunities for pupils in existing high schools in order to provide
38 them with the skills and knowledge necessary for the high-demand
39 technical careers of today and tomorrow.

(b) The State Department of Education, in cooperation with the Chancellor's Office of the Community Colleges, the Labor and Workforce Development Agency, and industry groups, shall develop criteria and pupil outcome measures to evaluate the program. The criteria shall ensure equity, program relevance to industry needs, and articulation with more advanced coursework at the partnering community colleges or private institutions.

(c) The program shall be based on grant applications administered by the board.

(d) Grants shall be allocated on a per-square-foot basis for the applicable type of construction proposed or deemed necessary by the board consistent with the approved application for the project.

(e) New construction grants shall not exceed three million dollars (\$3,000,000) per project per schoolsite, inclusive of equipment, and shall only be allocated to comprehensive high schools that have an active Career Technical Advisory Committee pursuant to Section 8070, in either of the following methods:

(1) For a stand-alone project on a per-square-foot basis for the applicable type of construction proposed, based on the criteria established pursuant to subdivision (b), consistent with the approved application for the project.

(2) For new school projects, as a supplement to the per pupil allocation pursuant to Section 17072.10. The supplement is intended to cover excess costs uniquely related to the facilities required to provide the career technical education program or programs.

(f) Modernization grants shall not exceed one million five hundred thousand dollars (\$1,500,000) per project per schoolsite, inclusive of equipment and may be awarded to comprehensive high schools or joint power authorities currently operating career technical education programs that have an active Career Technical Advisory Committee pursuant to Section 8070 for the purpose of reconfiguration. For comprehensive high schools, the grant shall be supplemental to the per pupil allocation pursuant to Section 17074.10. The supplement is intended to cover excess costs uniquely related to the facilities required to provide the career technical education program or programs.

(g) (1) A school district shall contribute from local resources a dollar amount that is equal to the amount of the grant of state funds awarded under subdivisions (d), (e), and (f). The local

1 contribution may be provided by private industry groups, the school
2 district, or a joint powers authority.

3 (2) A school district shall not be required to demonstrate that it
4 has unhoused pupils or that a permanent school building is more
5 than 25 years old in order to receive a grant under the program.

6 (h) The program shall allow the local contribution to be paid
7 over time should sufficient local funds not be immediately
8 available. The board may provide for a repayment schedule
9 consistent with subparagraphs (C) and (D) of paragraph (1) of
10 subdivision (a) of Section 17078.57. The board shall not waive
11 the local contribution on the basis of financial hardship or on any
12 other basis.

13 (i) Applications shall meet the criteria developed under
14 subdivision (b) and shall require all of the following:

15 (1) A clear and comprehensive Career Technical Education plan
16 for each course of study applicable to the instructional space.

17 (2) Projections of pupil enrollment.

18 (3) Identification of feeder schools, industry partners, and
19 community colleges or other postsecondary schools participating
20 in the development, articulation, and review of the educational
21 program.

22 (4) Evidence of approval of the plan by the entities listed in
23 paragraph (3).

24 (5) The method by which accountability for pupil enrollments
25 and outcomes will be maintained. Outcomes shall include, but are
26 not limited to, certificate completion, the successful entry of pupil
27 to employment in the applicable industry, and successful transition
28 to post-secondary institutions for work in the applicable industry
29 or other areas of study.

30 (6) Evidence of coordination with all feeder schools, middle
31 schools, and high schools within the area to ensure that the project
32 and programs complement career technical education offerings in
33 the area.

34 (7) Evidence that upon completion of the project the local
35 educational agency will meet all of its obligations under Section
36 51228 relating to career technical education.

37 (j) Applications shall give weight to the number of pupils
38 expected to attend, the cost per pupil, financial participation by
39 industry partners in the construction and equipping of the facility,
40 commitment to accountability for outcomes and participation, the

1 strength and relevance of the educational plans to the needs of
2 industry for qualified technical employees applicable to the
3 economic development needs of the region in which the project
4 will be located, and coordination and articulation with feeder
5 schools, other high schools, and community colleges.

6 (k) The Office of Public School Construction shall develop and
7 the board shall approve regulations to implement this article on or
8 before April 19, 2007, and the board may promulgate those
9 regulations first on an emergency basis, which shall be effective
10 for no more than 12 months, after which any permanent regulations
11 shall be promulgated in accordance with the Administrative
12 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
13 Part 1 of Division 3 of Title 2 of the Government Code).

14 (l) *A project approved pursuant to this section is eligible for a*
15 *grant increase pursuant to Section 17074.31, provided the project*
16 *meets the criteria prescribed in that section.*

17 ~~SEC. 2.~~

18 SEC. 3. This act is an urgency statute necessary for the
19 immediate preservation of the public peace, health, or safety within
20 the meaning of Article IV of the Constitution and shall go into
21 immediate effect. The facts constituting the necessity are:

22 In order to quickly provide funding from the
23 Kindergarten-University Public Education Facilities Bond Act of
24 2006 to school districts so that they may build energy efficient and
25 energy generation projects through a streamlined green schools
26 program that also will create critically needed jobs, provide energy
27 consumption savings to fiscally strapped school districts, and
28 ensure healthy learning environments for our children, it is
29 necessary that this act take effect immediately.

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32 CORRECTIONS:

33 Text—Pages 1 and 3.
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